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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,769	10/16/2003	Robert Pines	886-122us	9529

7590 05/03/2007
SOFER & HAROUN, L.L.P.
Suite 910
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New York, NY 10017

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,769

Applicant(s)

PINES ET AL.

Examiner

Benny Q. Tieu

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/9/07, 8/11/06, 9/7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-15, 17-20 and 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 7-15, 17-20 and 24-29 recite the limitation "said user". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5, 6, 9, 16-18, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Desai et al. (U.S. Patent No. 5,940,493).

Regarding claims 5 and 16, Desai et al. teach a communication assistance system comprising: a first database (Fig. 1, 24 or 26) having a plurality of listings therein, each of said listings having at least one contact name and a corresponding contact number (column 3, lines

47-53); a switching device (Fig. 1, 14) for receiving calls from a plurality of users desiring to access said listings; and an operator terminal (Fig. 1, 20 and 21) having a search screen, wherein said search screen maintains a plurality of search windows, each of which configured to enter a search term to search for listings contained in said first database, said operator terminal further configured to receive said communication from said switching device and retrieve a listing from said first database using said search screen (Fig. 2).

Regarding claim 6, Desai et al. further teach the communication assistance system wherein said search screen inherently maintains a field restriction window configured to restrict the search to a field in said first database because it is needed to limit or reduce some criterion to get the results.

Regarding claim 9, Desai et al. further teach the communication assistance system wherein said search screen is selected among said plurality of search screens based on the service provider of said user (column 9, lines 44-55).

Regarding claims 17, 18 and 21, see column 11, lines 13-20.

Regarding claim 22, it is inherently that the system disclosed by Desai et al. can be applied for use by any business for an intended use feature.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al. in view of Chun et al. (U.S. Patent Application Publication No. 2002/0083029).

Regarding claims 8 and 23, Desai et al. fail to teach the communication assistance system wherein said search screen is displayed in the language preferred by said user. However, Chun et al. teach this feature (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of language preferred by the user of Chun et al. into the system disclosed by Desai et al. in order for the user being convenient and easy when getting the information.

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9. Claims 7, 10-15, 19, 20 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al. in view of Elsey et al. (U.S. Patent Application Publication No. 2003/0007620).

Regarding claims 10, 11, 19 and 20, Desai et al. fail to teach the communication assistance system wherein said search screen for said service provider maintains an introduction message to be read to said user by the operator at said operator terminal. However, Elsey et al. teach this feature (Fig. 4A, 416). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of greeting announcement taught by Elsey et al. into the system disclosed by Desai et al. in order for the operator more easier to greet the users.

Regarding claims 7, 12-15 and 24-27, Desai et al. fail to teach the feature of geographic location of a user. However, Elsey et al. teach this feature (paragraph [0074]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of geographic location of a user as shown by Elsey et al. to modify the system disclosed by Desai et al. in order narrow the search more quickly and getting more accurate results for the user.

Regarding claims 28 and 29, see paragraph [0012] and claim 21 of Desai et al.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shaffer et al. (U.S. Patent No. 5,848,131) teach an automatic information and routing system for telephonic services.

11. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7490, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Benny Q. Tieu". The signature is fluid and cursive, with a large initial "B" and a stylized "Tieu".

Benny Q. Tieu
Primary Examiner
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